

09/925,885  
Page 6 of 9

SAR 14049

### **REMARKS**

This is intended as a full and complete response to the Office Action dated December 20, 2004, having a shortened statutory period for response set to expire on March 20, 2005. Please reconsider the claims pending in the application for reasons discussed below. In view of the above amendment and the following discussion, Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. § 102 or obvious under the provisions of 35 U.S.C. § 103. Thus, Applicants believe that all of the claims are now in condition for allowance.

#### **I. Rejections Under 35 U.S.C. §102**

##### **A. Claims 3, 11 and 16**

Claims 3, 11 and 16 stand rejected as being anticipated under 35 USC § 102(b) by Fouquet et al. (U.S. Patent No. 5,699,462, issued December 16, 1997) (Fouquet '462). Applicant respectfully traverses the rejection.

Fouquet '462 discloses a switching element defining "a transmitting state and a reflecting state for a pair of intersecting waveguides that have a gap at their intersection. In the preferred embodiment, the switching element exhibits total internal reflection at the gap sidewall from one waveguide to the other when not in the transmitting state. In the transmitting state, index-matching liquid fills the gap, enabling light to continue in the original waveguide direction." (Fouquet '462, Abstract)

The Examiner's attention is directed to the fact that Fouquet '462 fails to disclose changing the surface of a meniscus to controllably reflect a light beam from a first waveguide to a second waveguide as positively claimed by Applicants.

In contrast, Fouquet '462 "diverts light from the input segment 20 of the first waveguide to the output segment 22 of the second waveguide, unless an index-matching material is located within the gap 27 between the aligned segments 20 and 26 of the first waveguide." Fouquet teaches the placing or removal of an index-matching material in a gap in order to divert or reflect light. This is clearly not what is claimed by Applicants. Applicants claim altering the surface of a meniscus, not the removal or

342748-1

09/925,885  
Page 7 of 9

SAR 14049

addition of a material to a gap. Therefore, Fouquet does not teach what is claimed by Applicants in claims 3, 11 and 16. As such, claims 3, 11 and 16 are allowable over the cited reference.

**B. Claims 6, 7, 12, 13, 15, and 17**

Claims 6, 7, 12, 13, 15, and 17 stand rejected as being anticipated under 35 USC § 102(b) by Fouquet et al. (U.S. Patent No. 5,699,462, issued December 16, 1997) (Fouquet '462). Applicant respectfully traverses the rejection.

Fouquet '462 discloses a switching element defining "a transmitting state and a reflecting state for a pair of intersecting waveguides that have a gap at their intersection. In the preferred embodiment, the switching element exhibits total internal reflection at the gap sidewall from one waveguide to the other when not in the transmitting state. In the transmitting state, index-matching liquid fills the gap, enabling light to continue in the original waveguide direction." (Fouquet '462, Abstract)

The Examiner's attention is directed to the fact that Fouquet '462 fails to disclose changing or altering a polarization layer of charge of a fluid, where the change in the polarization layer of charge is used to controllably direct a light beam from a first waveguide to a second waveguide as positively claimed by Applicants. Therefore, Fouquet does not teach each and every element of claims 6, 7 and 12

Moreover, claims 13, 15, and 17 depend from independent claim 12 and recite additional features therefor. Since independent claims 6, 7, and 12 are not anticipated by Fouquet '462, dependent claims 13, 15, and 17 are also not anticipated for the same reason noted above and fully satisfy the requirements of 35 U.S.C. § 102.

**C. Claims 5 and 19**

Claims 5 and 19 stand rejected as being anticipated under 35 USC § 102(e) by Fouquet et al. (U.S. Patent No. 6,487,333, issued November 26, 2002) (Fouquet '333). Applicant respectfully traverses the rejection.

Claim 19 is canceled by this response, thereby rendering its rejection moot. Thus, the discussion of this section will pertain only to claim 5.

342748-1

09/925,885  
Page 8 of 9

SAR 14049

The Examiner's attention is directed to the fact that Fouquet '333 fails to disclose changing or altering a surface of a meniscus of a fluid, where the change in the surface is used to controllably direct a light beam from a first waveguide to a second waveguide as positively claimed by Applicants. Therefore, Fouquet '333 does not teach each and every element of independent claim 3. Claim 5 is patentable at least by virtue of depending from claim 3.

## **II. Rejections Under 35 U.S.C. §103**

### **A. Claim 18**

Claim 18 stands rejected as being obvious under 35 USC § 103(a) in view of Fouquet et al. (U.S. Patent No. 6,487,333, issued November 26, 2002) (Fouquet '333). In response, claim 18 has been cancelled without prejudice.

09/925,885  
Page 9 of 9

SAR 14049

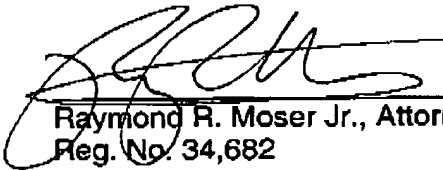
**CONCLUSION**

Thus, the Applicants submit that all of these claims now fully satisfy the requirements of 35 U.S.C. §102 and 35 U.S.C. §103. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Raymond R. Moser Jr., Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

2-22-05  
Date



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